

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ethan De Angelo	Team: Squad #1	CCRB Case #: 201501303	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 02/04/2015 5:25 PM	Location of Incident: Forest Avenue and Walbrooke Avenue; En route to the 120th Precinct stationhouse	Precinct: 120	18 Mo. SOL 8/4/2016	EO SOL 8/4/2016	
Date/Time CV Reported Mon, 02/23/2015 3:45 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 02/23/2015 3:45 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Mathew Reich	00122	933211	NARCBSI
2. DT3 Philip Vaccarino	4885	943905	NARCBSI

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Mathew Reich	Discourtesy: Det. Mathew Reich spoke discourteously to § 87(2)(b) at Forest Avenue and Walbrooke Avenue and en route to the 120th Precinct stationhouse.	
B.DT3 Mathew Reich	Off. Language: Det. Mathew Reich made remarks to § 87(2)(b) based upon her sex at Forest Avenue and Walbrooke Avenue, and en route to the 120th Precinct stationhouse.	
C.DT3 Philip Vaccarino	Abuse: Det. Philip Vaccarino threatened to arrest § 87(2)(b) at Forest Avenue and Walbrooke Avenue.	
D.DT3 Mathew Reich	Discourtesy: Det. Mathew Reich spoke rudely to § 87(2)(b) at Forest Avenue and Walbrooke Avenue.	
E.DT3 Mathew Reich	Abuse: Det. Mathew Reich threatened to arrest § 87(2)(b) at Forest Avenue and Walbrooke Avenue.	
F.DT3 Mathew Reich	Force: Det. Mathew Reich used physical force against § 87(2)(b) at Forest Avenue and Walbrooke Avenue.	
G.DT3 Philip Vaccarino	Abuse: Det. Philip Vaccarino searched the car in which § 87(2)(b) was an occupant at Forest Avenue and Walbrooke Avenue.	
H.DT3 Mathew Reich	Abuse: Det. Mathew Reich did not obtain medical treatment for § 87(2)(b) while in route to the 120th Precinct stationhouse.	
I.DT3 Mathew Reich	Discourtesy: Det. Mathew Reich spoke rudely to § 87(2)(b) in route to the 120th Precinct stationhouse.	

Case Summary

On February 4, 2015, at approximately 5:25 p.m., § 87(2)(b) was driving with her boyfriend, § 87(2)(b) on Forest Avenue in Staten Island. She dropped him off near the Randall Manor Pharmacy, and then made an illegal u-turn and backed into a spot near the pharmacy located on Forest Avenue and Walbrooke Avenue. An unmarked van parked in front of her, and two plainclothes officers, identified via the investigation as Det. Mathew Reich and Det. Philip Vaccarino from Narcotics Borough Staten Island, exited the vehicle and approached § 87(2)(b). Det. Reich told § 87(2)(b) to exit the vehicle and allegedly said, “You’re still driving like a fucking maniac huh,” (**Allegation A**). He allegedly asked § 87(2)(b) if she had anything, and she responded that she had a Vicodin in her back pocket and reached into her pocket to retrieve it. § 87(2)(b) alleged that he approached Det. Reich, and that Det. Reich allegedly said to him, “Your girlfriend did an illegal u-turn, why are you with this bitch,” (**Allegation B**). Det. Vaccarino allegedly said to § 87(2)(b) “If you come any closer you’re going to get arrested too,” (**Allegation C**). Det. Reich also threatened to arrest § 87(2)(b) allegedly saying, “Get the fuck away from me before I arrest you too,” (**Allegations D and E**). Det. Reich then allegedly grabbed § 87(2)(b) by her wrist, pulled her out of her vehicle, and allegedly said, “There’s no camera here now bitch.” Det. Reich then pulled her hands behind her back, pushed her against the rear of her vehicle, and twisted her left wrist before placing her in handcuffs (**Allegation F**). Det. Vaccarino then proceeded to search § 87(2)(b)’s vehicle (**Allegation G**). § 87(2)(b) alleged that she asked Det. Reich for medical attention repeatedly while in route to the 120th Precinct stationhouse, but that he refused to provide it to her (**Allegation H**). Det. Reich allegedly responded to her requests by saying, “You don’t learn your lesson you stupid bitch,” “Shut the fuck up I’m sick of your fucking attitude. You’re really getting on my fucking nerves, bitch,” and “Shut the fuck up, I’m not taking you to the hospital. I will let you die before I bring you to the hospital,” (**Allegation I**). § 87(2)(b) was charged with § 87(2)(b).

An IAB complaint was generated based on § 87(2)(b)’s accusations that Det. Reich has been harassing her.

Mediation, Civil and Criminal Histories

- This complaint was ineligible for mediation due to § 87(2)(b)’s arrest, and the harassment complaint generated and sent to IAB.
- A notice of claim request was submitted on April 22, 2015, and the results will be included upon receipt.

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- § 87(2)(b), § 87(2)(e), § 87(2)(f)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- This is the first complaint filed by § 87(2)(b) and the first complaint involving § 87(2)(b) (See Board Review #4).
- Det. Philip Vaccarino has been a member of the service for 8 years, and this is the 12th complaint filed against him.
 - In case number 201204520, it was found that Det. Vaccarino improperly frisked an individual, and improperly searched a vehicle. He was issued a Command Discipline-B as a result.
- Det. Mathew Reich has been a member of the service for 11 years, and this is the 26th complaint filed against him.
 - In case number 200503310, it was found that Det. Reich improperly questioned and/or stopped an individual, and failed to provide his name/shield number. He was issued instructions as a result.
 - In case number 201305607, it was found that Det. Reich improperly frisked an individual, and received formalized training as a result.

Attempts to Contact Witnesses

Investigator Josh Brickell obtained the names of the three other civilians, § 87(2)(b) § 87(2)(b) § 87(2)(b) and § 87(2)(b) who were present inside the prisoner van at the time of § 87(2)(b)'s arrest. Investigator Brickell sent please call letters to § 87(2)(b) on April 8, 2015 and April 23, 2015. § 87(2)(b) did not respond to either call letter and neither letter was returned by the United States Postal Service. Between April 8, 2015 and April 23, 2015, Investigator Brickell made five telephone calls and left five voice messages for § 87(2)(b) at his listed telephone number, however § 87(2)(b) failed to respond to any of Investigator Brickell's voice messages.

On April 8, 2015, Investigator Brickell sent a please call letter to the address provided by § 87(2)(b) which was the address for § 87(2)(b). Investigator Brickell then spoke to a receptionist at the homeless shelter who stated that § 87(2)(b) stays there periodically, but that she did not know where he was. There were no additional telephone numbers or addresses associated with § 87(2)(b).

On April 8, 2015, Investigator Brickell obtained a telephone statement from § 87(2)(b). § 87(2)(b) agreed to sign a verification form, § 87(2)(b).
§ 87(2)(b)
§ 87(2)(b) On May 7, 2015, the undersigned contacted § 87(2)(b) who stated that he would not sign a verification form as he no longer wished to be involved in the investigation. § 87(2)(g)
§ 87(2)(g)

Finding and Recommendations

Allegations Not Pleaded

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

§ 87(2)(g)

Allegation F- Force: Det. Mathew Reich used physical force against Barbara § 87(2)(b) at Forest Avenue and Walbrooke Avenue.

§ 87(2)(b) alleged that after Det. Reich took her out of her vehicle, he pulled her hands behind her back, pushed her against the rear of her vehicle, and twisted her left wrist before placing her in handcuffs. She alleged that as a result she suffered intense pain to her left wrist. On February 6, 2015, § 87(2)(b) was admitted to § 87(2)(b) to seek treatment for the pain in her left wrist. X-Rays were taken, however they came back negative, and she was diagnosed with minor abrasions and swelling to the wrist. She was released that same day and instructed to place ice on her left wrist (See Medical Records).

Det. Reich admitted to pulling § 87(2)(b) out of her vehicle by her arm, and stated that she resisted his efforts to place her in handcuffs by trying to pull her arms away from. He then placed § 87(2)(b) against the side of her vehicle, pulled her arms behind her, and placed her in handcuffs.

Det. Vaccarino testified that after initially refusing multiple verbal commands given by Det. Reich to exit her car, § 87(2)(b) eventually stepped out of her vehicle. He did not see Det. Reich pull or remove § 87(2)(b) from her car.

According to Patrol Guide Procedure 203-11, officers are required to use the minimum necessary force during interactions with civilians (See Board Review #1).

§ 87(2)(g)

Allegation G – Abuse of Authority: Det. Philip Vaccarino searched the car in which § 87(2)(b) was an occupant at Forest Avenue and Walbrooke Avenue.

§ 87(2)(b) alleged that after being placed inside the prisoner van, Det. Vaccarino and Det. Reich searched her entire vehicle. § 87(2)(b) was driving a 2013 Kia Rio, which has an open hatchback style trunk that can be viewed, and accessed from inside the car.

§ 87(2)(b) alleged that once § 87(2)(b) was placed inside the prisoner van, Det. Vaccarino searched the entire vehicle, including the center console, the glove compartment, and the rear of the vehicle.

Det. Reich stated that the “lunge-able areas” of § 87(2)(b) vehicle were searched, and denied searching the trunk. He did not remember whether he, or Det. Vaccarino conducted the search, and did not remember whether the scope of the search include the center console or glove compartment.

Det. Vaccarino admitted to conducting the vehicle search, which he stated was performed due to the fact that he observed § 87(2)(b) attempt to place the pills possibly either in her underpants or underneath the front seat when he and Det. Reich first approached her vehicle. Det. Vaccarino conducted the vehicle search by himself, while § 87(2)(b) was being placed in handcuffs by Det. Reich. He searched the front driver and passenger seats, the back passenger seats, and looked into the rear of the vehicle which he described as an open “hatchback.” Det. Vaccarino did not physically search any part of the open hatchback area of the car. He did not remember whether he searched through the glove compartment or center console, and did not remember if either had been closed or locked during his search. He did not recover anything from his search of the vehicle.

The Supporting Deposition, (See Board Review #5), prepared by Det. Reich in connection to § 87(2)(b) arrest indicates that one Hydrocodone pill was recovered from § 87(2)(b)'s left hand as she was stuffing it into her rear left pants pocket.

A warrantless search of a vehicle is permitted when the police have probable cause to believe the vehicle contains contraband, a weapon, or evidence of a crime. People v. Vargas, 89 N.Y.S. 2d 931 (2011-2d Dept.) (See Board Review #06).

§ 87(2)(g)

Allegation H – Abuse of Authority: Det. Mathew Reich did not obtain medical treatment for § 87(2)(b) while in route to the 120th Precinct stationhouse.

Allegation I – Discourtesy- Det. Mathew Reich spoke rudely to § 87(2)(b) in route to the 120th Precinct stationhouse.

§ 87(2)(b) alleged that she asked Det. Reich to loosen her handcuffs and to take her to the hospital five to six times while she was in the prisoner van. He refused to provide it to her, instead telling her, “You don’t learn your lesson you stupid bitch,” “Shut the fuck up I’m sick of your fucking attitude. You’re really getting on my fucking nerves, bitch,” and “Shut the fuck up, I’m not taking you to the hospital. I will let you die before I bring you to the hospital.” § 87(2)(b) ultimately went to § 87(2)(b) on February 6, 2015, due to continued pain in her left wrist. X-Rays were taken however nothing was broken and she was diagnosed with a contusion and swelling to the wrist (See Medical Records).

Witness § 87(2)(b) who was inside the prisoner van after being placed under arrest earlier that day, stated in an unverified telephone statement that while in the prisoner van en route to the 120th Precinct stationhouse, § 87(2)(b) requested medical attention and asked to go to the hospital approximately a dozen times. § 87(2)(b) made this statement completely unprompted by Inv. Brickell, and was made before being asked about the incident in detail. In response, both Det. Reich and Det. Vaccarino told § 87(2)(b) and § 87(2)(b) that if they received medical attention they would not return to their homes that night.

§ 87(2)(b) also alleged that both Det. Reich and Det. Vaccarino used the word “fuck” and “bitch” repeatedly while addressing § 87(2)(b). § 87(2)(b) made this statement after Inv. Brickell asked him what specific curse words he heard Det. Vaccarino and Det. Reich say to § 87(2)(b) but § 87(2)(b) could not specify which officer was cursing at any particular time or any details regarding the statements made. § 87(2)(b) also stated that he hated the police and repeatedly called Det. Reich and Det. Vaccarino, “scumbags.”

Det. Reich stated that § 87(2)(b) may have requested that her handcuffs be loosened, but that he was not sure if she did, and was not sure if he loosened them at any point. He denied that she requested medical attention or that he refused to take her to the hospital. He denied using any profanity towards § 87(2)(b) and also denied saying, “I will let you die before I bring you to the hospital.” Det. Reich acknowledged however that § 87(2)(b) accused him of saying that he hoped she was dead.

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date